

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

| | | |
|-------------------|---|------------------------|
| THELMA GOMEZ, | : | x |
| | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| -against- | : | 20-cv-4174 (ALC) (GWG) |
| | : | |
| NYHS DESIGN INC., | : | <u>ORDER ADOPTING</u> |
| | : | <u>REPORT AND</u> |
| | : | <u>RECOMMENDATION</u> |
| Defendant. | x | |

ANDREW L. CARTER, JR., District Judge:

On December 10, 2021, this Court issued an Order of Reference, referring this matter to Magistrate Judge Gorenstein to conduct an inquest and to make a recommendation concerning plaintiff's damages. ECF No. 27. The Court now considers the Report and Recommendation issued by Magistrate Judge Gorenstein. ECF No. 36.

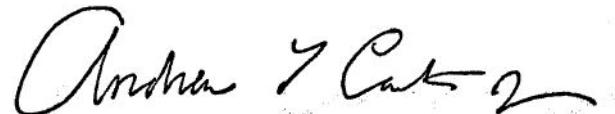
Despite notification of the right to object to the Report and Recommendation, no objections were filed. Where no timely objections are made, the Court may adopt the Report and Recommendation as long as there is no clear error on the face of the record. *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003)). In light of the lack of any objections to the Report and Recommendation and the fact that Court finds no clear error in the record, the Court adopts the Report and Recommendation in its entirety.

Therefore, Plaintiff is awarded judgment in the amount of \$175,962.90 against NYHS Design Inc. d/b/a Cleo Nicci Eyewear New York, plus prejudgment interest calculated from August 2, 2018, to the date judgment is entered at the rate of \$6.41 per day. The Clerk of Court is respectfully directed that the text of the judgment should provide that if the judgment is not entirely paid within 90 days of judgment, or 90 days after the expiration of

appeal, whichever is later, and no appeal is pending, then the total amount of judgment shall automatically increase by 15 percent. The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

Dated: October 6, 2022
New York, New York



ANDREW L. CARTER, JR.
United States District Judge